IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 32869 of 2004(K)

PETITIONER:

JYOTHI MARKETING REPRESENTED BY ITS MANAGING PARTNER V.P.PAULOSE, 35/3030, VITHAYATHIL HOUSE, PALARIVATTOM, COCHIN-682 025.

BY ADV. SRI.BECHU KURIAN THOMAS
SRI.ROSHEN.D.ALEXANDER

RESPONDENTS:
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1. **UNION OF INDIA, REPRESENTED BY SECRETARY, MINISTRY OF FOOD PROCESSING, NEW DELHI.**

2. **THE DIRECTOR, MINISTRY OF FOOD PROCESSING, GOVERNMENT OF INDIA, IV FLOOR, SHASTHRI BHAVAN, NEW DELHI.**

3. **THE FOOD INSPECTOR, THALASSERY MUNICIPALITY.**

4. **STATE OF KERALA, REPRESENTED BY SECRETARY, DEPARTMENT OF HOME AFFAIRS, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

BY PUBLIC PROSECUTOR SRI. SHYSON P.MANGUZHA
SMT.S.AMBIKA DEVI, ADDL.CGSC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.32869/2004 K

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE COMPLAINT DTD. 19/06/02 IN S.T.NO.3328/2003 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE, THALASSERY.**

EXT.P2: **COPY OF THE CRL.M.P.NO.6136/04 DTD. 30/09/2003 IN S.T.NO. 3328/2002 ON THE FILES OF THE JUDICIAL FIRST CLASS MAGISTRATE, THALASSERY.**

EXT.P3; **COPY OF THE OLD LABELS OF VINEGAR PRODUCT DISTRIBUTED BY THE PETITIONER AND MANUFACTURED BY DHANYAA FOODS.**

EXT.P4: **COPY OF THE AMENDMENT ORDER ISSUED BY THE GOVERNMENT OF INDIA.**

EXT.P5: **COPY OF THE INSPECTION REPORT OF THE 2ND RESPONDENT AS REGARDS AN ESTABLISHMENT BY THE NAME ANNAPURNA CONDIMENTS.**

EXT.P6: **COPY OF THE MINUTES OF THE MEETING DTD. 19/02/97 OF THE ALL INDIA FOOD PRESERVERS ASSOCIATION.**

EXT.P7: **COPY OF THE NEW LABEL OF THE PRODUCT DISTRIBUTED BY THE PETITIONER AND MANUFACTURED BY DHANYA FOODS.**

EXT.P8: **COPY OF THE REPORT OF THE PUBLIC ANALYST DTD. 30/03/2002 (REPORT NO.88).**

/TRUE COPY/

P.A. TO JUDGE

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 32869 of 2004

Dated this the 23rd day of July , 2007

JUDGMENT

I find that the issue raised in this case is directly covered by the judgment of the Division Bench of this court in **Kalyan Products & Others v. Union of India & Others (2004 (2) KLJ 315)**. The grounds raised have to be upheld. Exts.P1 to P8 and all further proceedings in S.T.No.3328/2002 on the files of the Judicial First Class Magistrate Court Thalassery are quashed in view of the reasons stated in the Kalyan Products' case (supra).

PIUS C. KURIAKOSE,
JUDGE.

Dpk